

MINUTES
BOARD OF APPEALS
VILLAGE OF SEA CLIFF
VILLAGE HALL
300 SEA CLIFF AVENUE
SEA CLIFF, NEW YORK 11579

February 8, 2011

Present:	Chair	Kevin McGilloway
	Members	Maureen Angliss
		Dina Epstein
		Noel Griffin

The meeting was called to order at 8:00 pm.

The Board announced that the only matter on the calendar was the hearing on the special permit for 161 Glen Cove Avenue, Sea Cliff, New York.

The Board acknowledged the presence of Drew Lawrence, Superintendent of Buildings, John Maccarone, Esq., and Mario Larrea.

The Board announced that the purpose of the hearing, as expressed previously, in writing and at a prior meeting, was to consider the submission by the Superintendent of Buildings regarding allegations that the premises were being operated in a manner not in conformance with the various conditions of the special permit issued by the Board by decision dated January 7, 1986 for the use of the premises, and if the Board determined that such failure to observe all of the conditions of the special permit approval that the Board could revoke the special permit. It was explained by Board counsel that original charges of non-compliance set forth under a written notice dated September 9, 2010 was being withdrawn at this time, and as set forth in a December 6, 2010 written notice, only those charges set forth in the December 6, 2010 were being considered by the Board. It was further explained that the original charges were scheduled for a hearing on written notice for September 30, 2010, October 7, 2010, October 28, 2010, November 4, 2010, November 23, 2010 and December 21, 2010, but

in each instance, Mr. Maccarone requested adjournments for various reasons and the Board accommodated those requests. Likewise, the new allegations of non-compliance, as provided in the December 6, 2010 written notice were scheduled for a public hearing on December 21, 2010, should the permittee seek a hearing on the allegations contained in the December 6, 2010 notice. That hearing date was adjourned to January 25, 2011 and February 8, 2011, again based on requests made by Mr. Maccarone.

The hearing procedure and the consequences of a determination that the conditions of the special permit had been violated were explained by Board counsel. After such explanation, Mr. Maccarone claimed that he did not understand the specifics of the charges, but acknowledged that there was sufficient information in the charging document that he was not surprised as to the alleged violations. However, the substance of those charges was clearly set forth in the document prepared by the Superintendent of Buildings and it was evident from that document and the written notice that there was sufficient notice informing the permittee of the non-compliance so that the permittee could not be surprised by the charges. The notice specifically identified the conditions alleged to be violated, and the underlying document outlined not just those violations, but also identified the dates of the alleged violations and included pictures depicting the conditions on the dates of the alleged violations.

The Board then commenced the hearing. Various exhibits were submitted including the written notice, the booklet containing details of the charges, the special permit, site plan and a copy of the Village Code provisions relating to the revocation of a special permit. Andrew Lawrence, the Village Superintendent of Buildings, testified concerning his observations. Mr. Maccarone asked questions as to the alleged violations testified to by Mr. Lawrence.

After receiving testimony and questions from Mr. Maccarone related to more than 600 alleged violations, the Board determined to continue the hearing on a date to be determined by the Board.

There being no further business, the meeting was adjourned at 10:50 pm.